



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,422	03/01/2002	Seiji Tatsuta	02133/LH	2283

7590 10/28/2003  
Frishauf, Holtz, Goodman,  
Langer & Chick, P.C.  
25th Floor  
767 Third Avenue  
New York, NY 10017-2023

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/086,422	TATSUTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kimberly D. Nguyen	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45 is/are allowed.
- 6) ☒ Claim(s) 1-5, 16-18, 29, 38, 39, 42-44 and 46 is/are rejected.
- 7) ☒ Claim(s) 6-15, 19-28, 30-37, 40 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s): _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Amendment*

1. Acknowledgement is made of Amendment filed 8 September 2003.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-5, 16-18, 29, 38-39, 42-44, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (US 5,481,103).

Re claims 1, 16-18, 42, and 46: Wang teaches a code reading apparatus (figs. 11 and 14) comprising:

a laser scanner and the means for decoding the code (see col. 3, lines 62-65) which serves as a reading section (42 in fig. 11; col. 7, line 62 through col. 8, line 11) for optically reading an optically readable code from a recording medium on which records data as the optically readable code;

an output section for performing an output based on the outcome of the code reading operation of the reading section (46 in fig. 11; col. 7, line 62 through col. 8, line 11); and

code packets may be randomly positioned to allow reader to encode/decode the randomly-positioned code packets (figs. 15a-15c and 16-17; col. 9, line 50 through col. 10, line 27), which apparently the code reading apparatus includes a randomness providing section for reading the randomly-positioned code (i.e., positioning the address/data in a random order or in a

predetermined non-sequential order) and providing the outcome of the code reading operation of the reading section with randomness, thereby providing the output of the output section based on the outcome of the code reading operation with randomness (figs. 16-17; col. 10, lines 14-34; and col. 10, lines 64-67).

Re claims 4-5, and 29: Wang teaches each data unit in the proper position for reading and decoding purposes (col. 3, lines 3-37), wherein the position of data unit serves as parameter relating to the code reading operation.

Re claims 38-39: Wang teaches the apparatus, wherein  
the data recorded on the recording medium as optically readable code includes a plurality of pieces of information, wherein the information recorded in the recording medium is an image information (see figs. 1-3); and

the randomness providing section includes an output modifying section for modifying the output of the output section by selecting any one of the plurality of pieces of information read from the recording medium (i.e., to modify the order of the packet codes, such as modifying the sequence/random order of the packet codes for outputting desired information; see col. 4, lines 5-39).

Re claims 43-44: Wang teaches a recording medium (figs. 1-2) comprising:  
a part (12-19) recording data as an optically readable code, and  
a part (20, 22) recording no code, wherein  
the data (12-19) recorded as the optically readable code includes information (col. 4, lines 14-18) to be provided with randomness (i.e., machine readable images can be placed in

different/subsequent/random order, which is provided with randomness) and a plurality of pieces of information (12-19) to be used for providing the randomness; and

an output of the information to be provided with randomness is varied according to one of the pieces of information for providing the randomness selected from the plurality of pieces of information as a result of an operation of reading the code by a code reading apparatus (figs. 1-2; col. 3, line 60 through col. 6, line 14).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Krichever et al. (US 5,396,054; hereinafter "Krichever"). The teachings of Wang have been discussed above.

Although, Wang teaches that his reader includes a laser scanner or other suitable devices (see col. 3, line 63+), Wang fails to teach or fairly suggests a handheld code reading apparatus.

Krichever teaches a hand-held barcode reader 70, which is inherently held by hand while reading the barcode and moved relatively to each other (fig. 10; col. 11, lines 8-62).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the handheld reader which is held during the code reading as taught by Krichever to the teachings of Wang in order to obtain a compact reader system which provides a greater convenience to the user for carrying the reader around for code reading

purposes. Furthermore, by providing a compact code reading apparatus, it does not require the operator/user to physically carry over-size or heavy code reading apparatus to a single site to read the coded item/package; thus, alleviating the fatigue to the operator/user etc.

***Allowable Subject Matter***

6. Claims 6-15, 19-28, 30-37, and 40-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 45 is allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

The record of prior art fails to teach or fairly suggest a coding apparatus, wherein the providing section includes a parameter detecting section for providing randomness to the outcome of the code reading operation by detecting parameters relating to positions, number-of-components, brightness, size, shape, or missing-information of predetermined components of the code.

Although, Wang teaches a code reading apparatus comprising a laser scanner and the means for decoding the code which serves as a reading section for optically reading an optically readable code from a recording medium on which records data as the optically readable code; an output section for performing an output based on the outcome of the code reading operation of the reading section; and code packets may be randomly positioned to allow reader to encode/decode the randomly-positioned code packets, which apparently the code reading apparatus includes a randomness providing section for reading the randomly-positioned code and providing the outcome of the code reading operation of the reading section with randomness,

thereby providing the output of the output section based on the outcome of the code reading operation with randomness.

Krichever teaches a hand-held barcode reader, which is inherently held by hand while reading the barcode and moved relatively to each other

However, Wang and Krichever, taken alone or in combination thereof, fails to teach a coding apparatus, wherein the providing section includes a parameter detecting section for providing randomness to the outcome of the code reading operation by detecting parameters relating to positions, number-of-components, brightness, size, shape, or missing-information of predetermined components of the code.

#### ***Response to Arguments***

In response to Applicants' argument that "...it is impossible for them to have the same printing quality. If such variations are detected as parameters, it is possible to cause different information to be output when the code is read..." (see page 19, 2<sup>nd</sup> paragraph, lines 4-8), and "...the scanning speed may vary each time. Therefore, the differences between operators or the variations of one operator may be detected as different parameters, thereby causing different information to be output even if there is only one code." (see page 19, last paragraph, last 5 lines), etc., the examiner respectfully submit that these limitations are not recited in the limitation of claim 1 and some of its dependent claims. Therefore, claims are not allowed.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

Application/Control Number: 10/086,422  
Art Unit: 2876

Page 7

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN  
14 October 2003

A handwritten signature in black ink, appearing to read 'Karl D. Frech', with a stylized, flowing script.

**KARL D. FRECH  
PRIMARY EXAMINER**